

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

v.

THOMAS HEAPHY, JR.,
Defendant.

Nos. 3:17-cr-168 (JAM)
3:18-cr-32 (JAM)

RESTITUTION ORDER

The defendant, Thomas Heaphy, Jr., shall pay restitution in the total amount of \$6,738,539 pursuant to 18 U.S.C. § 3663A. The Court does not order the inclusion of prejudgment interest.

Restitution in the amount of \$6,591,194 shall be paid to the victims identified in Schedules A and B on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim as set forth more fully in Schedules A and B.

After full restitution has been paid to the victims identified in Schedules A and B, the balance of the Defendant's restitution obligation (\$147,345) shall be paid to the Internal Revenue Service. *See* 18 U.S.C. § 3664(i).

As to the victims identified in Schedule A, restitution is joint and several with the following defendants: (1) Christian Meissenn, in case number 3:16cr201(JAM); (2) William Lieberman, in case number 3:17cr96(JAM); (3) Brian Ferraioli, in case number 3:17cr177(JAM); (4) Damian Delgado, in case number 3:17cr93(JAM); and (5) Corey Brinson, in case number 3:17cr9(JAM).

As to the victims identified in Schedule B, restitution is joint and several with the following defendants: (1) Brian Ferraioli, in case number 3:18cr27(JAM); and (2) Andrew Deme, in case number 3:18cr265(JAM).

All interest is waived by the Government pursuant to 18 U.S.C. § 3612(h). Likewise, all penalties on late payments are waived by the Government pursuant to 18 U.S.C. § 3612(h).

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant is hereby ordered to pay restitution in the manner and according to the schedule that follows:

- A. The total amount of restitution is due and payable immediately pursuant to 18 U.S.C. § 3572(d)(1).
- B. Any unpaid amount remaining upon the Defendant's release from prison shall be paid in installments of not less than \$200 per month, or 10% of the defendant's gross monthly income, whichever is greater, payable on the 15th of each month.

The Defendant shall make payment to the Clerk of Court. Payment may be made in the form of cash, check or money order. All payments by check or money order shall be made payable to the "Clerk, United States District Court," and each check shall be delivered to the United States District Court, Attention: Clerk's Office, 141 Church Street, New Haven, CT 06510, as required by 18 U.S.C. § 3611. The Defendant shall write the docket number of this case on each check delivered to the Clerk's Office. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed.

The Clerk shall distribute restitution payments to the victims identified in this order in accordance with the District's Standing Order on the Disbursement of Restitution Payments by the Clerk of Court.

The Defendant shall notify the Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, of any material change in the Defendant's economic circumstances that might affect the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

The Defendant shall notify the Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, of any change in address.

Nothing in this order shall prevent the Bureau of Prisons from implementing restitution payments in accordance with its Inmate Financial Responsibility Program ("IFRP"), 28 U.S.C. § 545.10 et seq. up to the maximum amount permitted under the IFRP guidelines.

Furthermore, nothing in this order shall prevent the victim(s) or the United States from pursuing immediate collection through civil remedies allowed by law in accordance with 18 U.S.C. § 3664(m).

The Defendant shall apply to any restitution still owed the value of any substantial resources from any source the defendant receives during the period of incarceration, including inheritance, settlement or other judgment in accordance with 18 U.S.C. § 3664(n).

The liability to pay restitution shall terminate the later of 20 years from the entry of judgment or 20 years after the Defendant's release from prison, or upon the death of the Defendant.

It is so ordered.

Dated at New Haven this 8th day of May, 2018.

/s/ Jeffrey Alker Meyer
Jeffrey Alker Meyer
United States District Judge